

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

DEON COBB,

Plaintiff,

v.

Civil Action No. 3:12CV785

DIRECTOR VDOC, et al.,

Defendants.

MEMORANDUM OPINION

By Memorandum Order entered on March 28, 2013, the Court conditionally docketed the action. At that time, the Court directed Deon Cobb to affirm his intention to pay the full filing fee by signing and returning a consent to the collection of fees form. The Court warned Cobb that a failure to comply with the above directives within thirty (30) days of the date of entry thereof would result in summary dismissal of the action.

Cobb has not complied with the order of this Court. Cobb failed to return the consent to collection of fees form. As a result, he does not qualify for in forma pauperis status. Furthermore, he has not paid the statutory filing fee for the instant action. See 28 U.S.C. § 1914(a). Such conduct demonstrates a willful failure to prosecute. See Fed. R. Civ. P. 41(b). Accordingly, this action will be dismissed without prejudice.

The Clerk is DIRECTED to send a copy of the Memorandum
Opinion to Cobb.

/s/ *REP*
Robert E. Payne
Senior United States District Judge

Date: *July 25, 2013*
Richmond, Virginia